



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Peronek, et al.
For : APPARATUS AND METHOD TO PREVENT
BOTTLE ROTATION
Serial No. : 10/680,796
Filing Date : October 7, 2003
Examiner : Eugene Lee Kim
Group Art Unit : 3721
Our Docket : FCIE 2 13321-1

TERMINAL DISCLAIMER

Petitioner, FCI, Inc., a corporation of the state of Ohio, having a place of business at 4661 Giles Road, Cleveland, Ohio 44135, represents that it is the owner of 100 percent interest in the above-identified patent application.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer United States Patent No. 6,698,160. Petitioner hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that it and United States Patent No. 6,698,160 are commonly owned. This agreement runs with any patent granted on the above-identified patent application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of any patent granted on the pending application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has

- 1 -

05/19/2004 ENIMMONS 00000001 060308 10680796

01 FD:2814

55.00 DA

Fee